

**CHARTER COMMISSION**  
**Summary & Status of Failed Charter Amendments**  
*(revised as of 7-26-06 meeting)*

This Summary & Status list includes the following items:

- B. Special Counsel: For Research by Special Counsel (as of 7-12-06)
- C. Special Counsel: For Discussion with Special Counsel (as of 7-10-06)
- D. Amendments that did not move forward (updated as of 7-26-06)
- E. Possible Amendments from Correspondence of 5-3-06 Meeting [all items disposed of 6-28-06]
- G. Items remaining from 12-12-05 Facilitated Meeting [all items disposed of 6-26]
- F. Possible Amendments from Correspondence of 5-17-06 Meeting [all items disposed of at 7-3-06 meeting]

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**B. Special Counsel: For Research by Special Counsel**

[All items in Section B disposed of at meeting of 7-12-06]

**C. Special Counsel: For Discussion with Special Counsel**

[All items in Section C disposed of at meeting of 7-10-06]

**D. Amendments that did not move forward**

- 5. Should there be limitations on who can vote for a Council candidate at large? (5-3-06 meeting)
- 6. Shall Council members be required to serve full time? (5-22-06 meeting)
- 7. Should salaries of Council members be fairly increased in the event Council members must serve full time? (5-3-06 meeting)
- 9. Shall County be required to request that State Auditor perform an audit? (5-3-06 meeting)
- 10. Shall all County public records be published on the County's website? (vote 7/10) (Deferred to 7-17-06) (Failed 7-19-06)
- 16. Change name, responsibility and authority of the Cost Control Commission to Revenue & Cost Control Commission with necessary changes to authority of the Commission? (5-22-06 meeting)
- 21. Shall there be spending limits for the Kaua'i County operating budget? (Failed/did not move forward 6/26)
- 22. Shall there be a Real Property Tax Department? (5-3-06 meeting)
- 25. Shall all material requirements for citizen-initiated petitions to be placed on the ballot be specified in the Charter? (5-22-06 meeting)
- 26A. Shall there be a County Manager form of government? (7-26-06 meeting)
- 26B. Shall a commission be created to study the County Manager form of government and to develop a proposal(s) to place before the voters in the 2008 election? (7-26-06 meeting)
- 27. Shall the County Attorney be elected for a term of 4 years? (5-22-06 meeting)

28. The provisions in Section 22.02 of the Charter specifying limits on the subjects for initiative and referendum petitions shall be repealed. (vote 7/3) (approved 7-3-06) (Failed 7-19-06)
29. The recall petitions shall also include persons elected for two year terms. (5-3-06 meeting)
30. Petitions for impeachment of an officer shall state the impeachable offense believed to have occurred, shall require signatures of 100 persons and shall be filed with the Board of Ethics. (5-3-06 meeting)
31. The Board of Ethics shall be authorized as necessary to hear allegations of impeachable offenses and if any are found to have occurred to file impeachment charges in court. (5-3-06 meeting)
32. The duties of the Council and the Mayor should be stated. (vote 7/10) (7-10-06 meeting)
33. Any sanctions issued by the Board of Ethics for violation of the Charter must be determined by a court after consideration of the evidence and in accordance with proceedings applicable to criminal trials. (vote 6/28) (Deferred to 7/17) (Failed 7-19-06)
34. The Planning Commission should be by district, not profession, be either part or full time and be paid a salary. (5-3-06 meeting)
35. The Planning Commission should meet weekly like the Council. (5-3-06 meeting)
36. The Kauai Historical Preservation Review Commission should be given the same status and powers as the Planning Commission, be renamed the Kauai Historical Preservation Commission with all agenda items that go through the Planning Commission going through the Historical Planning Commission first. (5-3-06)
37. All Council and Commission meetings should be limited to 8 hours with a 1 hour food break and any outstanding agenda items would be continued to the next day. (5-3-06 meeting)
38. Consider having all Department Heads appointed by the Mayor and approved by the Council. (5-3-06 meeting)
39. The Liquor Commission should be appointed by the Mayor and approved by the Council. (5-3-06 meeting)
40. Employees and officers of the State or County **shall not** be eligible to serve on any boards or commissions (Article XXIII, Sec 23.02 Part I). (6/28 meeting)
47. Shall the Planning Director be an elected position? (5-22-06 meeting)
48. The Planning Commission should be elected (Ref: 5-3-06 Communication 8-j, Walker).
49. The County of Kaua'i shall oversee PEG (Public, Education, and Government) access in the County of Kaua'i (Ref: 5-3-06 Communication 8-q, Coll) (vote 7/10) (Deferred to 7-17-06) (Failed 7-19-06)
50. Abolish the Cost Control Commission (Ref: 5-3-06 Communication 8-r, Love). (vote 7/3) (deferred to 7-17-06 meeting) (Failed 7-19-06)
51. One member of each board and commission should be appointed by each council member (Ref: 5-3-06, Communication 8-s, Imperato).

52. [Clarify unspecified ambiguities in the Article XX, Ethics] (Ref. 5-3-06 Communication 8-v, Lewis) (vote 6/26, deferred to 6/28, to Special Counsel for 7/10 meeting) (Deferred to 7-17-06) (Failed 7-19-06)
53. New charter section to address the enforcement of the charter sections with a particular subsection that would allow the reimbursement of reasonable attorney fees for the members of the public [see sample language in correspondence] (Ref: 5-17-06 Communication 10f, Stauber). (vote 7/3) (Deferred to 7/17) (Failed 7-19-06)
54. Create a Department of Community Assistance (12-12-05 meeting)
55. Employment Contracts (for some or all department heads with terms of employment (12-12-05 meeting).
56. Change title of County Engineer to Director of Public Works (12-12-05 meeting)
57. Appointment of Department Heads (to commissions to appoint) (12-12-05 meeting)
58. Annual Budget Process (“managed” competition (Mayor & Council) in providing county services) (12-12-05 meeting).
59. Create an Information Technology Department (12-12-05 meeting).
60. All Department heads shall appoint their own deputy/deputies. (7-26-06 meeting)
61. Planning Department: Review Planning Commission appointment process (12-12-05 meeting).
62. Ethics: See proposals made by Board of Ethics re: contracts (12-12-05 meeting). (Failed 6/26 meeting)
- 62a) BOE Proposal #1

Article XX Code of Ethics, Section 20.02, Paragraph C

Acquire financial interest in business enterprises which he may be directly involved in official action to be taken by him, his department, agency, commission or the county council.

- 62b) BOE Proposal #2

The purpose of this change to the Charter is to make sure that in a situation where an officer or employee, if the amount is more than \$500.00, are competing on a fair and equitable basis with the private sector. We’ve had situations in the past where it appears that the bidding process has been compromised by some individuals having knowledge of other bids before they have placed their bid with the County.

Article XX Code of Ethics, Section 20.03 Contracts, Paragraph A

The county shall not enter into any contract with [an] the officer or employee or with a firm in which an officer or employee has [a substantial interest] an interest involving services or property of a value in excess of \$500.00 unless the contract is [made after competitive bidding] being submitted as part of the competitive bidding process.

- 62c) BOE Proposal #3

Article XX Code of Ethics, Section 20.04, Paragraph B (last sentence)

...No appointed officer or employee shall participate, discuss or vote on such pending matter unless his vote is required to establish a quorum to act on such matter. [provided that a member of the council is not precluded from voting on such matter so long as written disclosure has been made in the event there is a conflict of interest relating to such matter.]

62d) BOE Proposal #4

Applies to Article XI Police Department, Section 11.04 Chief of Police

The chief of police shall be appointed by the [police commission] mayor and council on recommendation from the police commission. He may be removed [by the police commission] on recommendation of the police commission by the mayor and council only after being given a written statement of the charges against him and a hearing before the commission.

62e) BOE Proposal #5

Article XXIII General Provisions, Section 23.02 Boards and Commissions, Paragraph A

All boards and commissions shall consist of at least five members and a public notice shall declare each board or commission vacancy for voter application.

62f) BOE Proposal #6

Article XX Code of Ethics, Section 20.05 Board of Ethics, Paragraph D (2)

To render advisory opinions or interpretations with respect to application of the code on request. All requests for advisory opinions shall be answered within thirty (30) days of its [filing] receipt by the Board and failure to submit an advisory opinion within said thirty (30) days shall be deemed a finding of no breach of the code.

63. Mayor: clarify salary amount of mayor (12-12-05 meeting).

65. Prosecuting Attorney: recommendations re: Grand Jury (12-12-05 meeting).

66. Department of Water: reword the section (12-12-05 meeting) (Failed 6/26. Possible referral to Council)

Sec. 17.03B: This existing Charter provision Charter provision is imprecise and could be better worded to accurately reflect the Department's role vis-à-vis the requirements of State statute and County ordinances. To explain, under Haw. Rev. Stat. ("H.R.S.") §174C-31 each county within the State is required to prepare and adopt by ordinance a water use and development plan.

In furtherance of this mandate, the County Council adopted Kaua‘i County Code “K.C.C.”) Sec. 11B-2.3, which states that:

The “Kaua‘i Water Use and Development Plan” and “Executive Summary” dated February 1990 is incorporated herein by reference, and is hereby adopted.”

Further, K.C.C. Sec. 11B-2.2 state that, “The Department of Water shall be responsible for the preparation and maintenance of the Kaua‘i county water use and development plan.”

As such, the attached amendment to Sec. 17.03B more accurately describes the Department’s role within this framework of state and county law and, in general, clarifies existing Charter language.

66a) Sec. 17.03C: The existing reference in this section to Chapter 145-A Revised Laws of Hawai‘i (1955) is outdated and has been superceded by more recent enactments to the Hawai‘i Revised Statutes.

66b) Kauai County Water Department---Article XV11, Section 17.03.

Since there is nothing in Article XV11 mandating that the Department of Water have a reserve fund to upgrade their deteriorating water lines. Recommend that an amendment be added to 17.03 stating that a lock box, set aside fund be added to this section. (Reference June 2, 2005 email from Glenn Mickens)

67. Department of Water: consolidate Water and Waste Water divisions (12-12-05 meeting).

68. Personnel Services: recommendations from Commission (12-12-05 meeting). (Failed 6/26. Possible referral to Council)

68a) Section 15.03. Powers and Duties. The civil service commission shall:

A. ~~[Adopt rules and regulations to carry out the civil service and compensation laws of the State and county. Such rules and regulations shall distinguish between matters of policy left for the determination of the commission and matters of technique and administration to be left for execution by the director.]~~

[B.] Hear and determine appeals made by any officer or employee aggrieved by any action of the director or by any appointing authority. Appeal from the decision of the commission shall be as provided by law.

[C.] Advise the mayor and director of personnel services on problems concerning personnel and classification administration.

[D.] Execute such other powers and duties as may be provided by law.

68b) Section 15.04. Director of Personnel Services. The director of personnel services

shall have had a minimum five years of training and experience in personnel administration either in public service or private business, or both, at least three years of which shall have been in a responsible administrative capacity and shall be in sympathy with the principles of the merit system. He shall be appointed and may be removed by the commission. ~~{The director shall be the head of the department of personnel services and shall be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the personnel program prescribed in this charter and in the ordinances and regulations authorized by this charter.}~~

68c) Section 15.05. ~~{Civil Service and Exemptions. All positions in the county, except those exempted by law, shall be under civil service.}~~ Powers and Duties. The director shall:

A. Be the administrative head of the department of personnel services.

B. Adopt rules and regulations to carry out the public employees and civil service laws of the State and county. Such rules and regulations shall distinguish between matters of policy and matters of technique and administration to be left for determination of and execution by the director.

C. Be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the personnel program prescribed in this charter and in the ordinances and regulations authorized by this charter.

68d) Section 15.06 Civil Service and Exemptions. All positions in the county, except those exempted by law, shall be under the civil service. The director shall determine the applicability of this section of the charter to specific employment or services in the executive branch. The provisions of this chapter of the charter shall apply to all positions in the service of the legislative branch, except those exempted by law.

69. Personnel Services: change name to Human Resources (12-12-05 meeting).

**E. Possible Amendments from Correspondence of 5-3-06 Meeting**

[All items in Section E disposed of at 6-28-06 meeting]

**G. Items Remaining from 12-12-05 Facilitated Meeting**

[All items in Section G disposed of at meeting of 6-26-06]

**F. Possible Amendments from Correspondence of 5-17-06 Meeting**

[All items in Section F disposed of at meeting of 7-3-06]